

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	Case No. 2:19-cv-2279
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
ONE 2007 CHEVROLET TAHOE C1500, VIN 1GNEC13027R108342, WITH ALL ATTACHMENTS THEREON,	:	<u>VERIFIED COMPLAINT FOR FORFEITURE IN REM</u>
	:	
Defendant.	:	

Plaintiff, United States of America, by its undersigned counsel, alleges the following for its action against the defendant in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure.

NATURE OF THE ACTION

1. This is a civil action *in rem* brought to enforce 21 U.S.C. § 881(a)(4), which provides for the forfeiture to the United States of:

All conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner facilitate the transportation, sale, receipt, possession, or concealment of . . . [controlled substances].

THE DEFENDANT IN REM

2. The defendant is a tan 2007 Chevrolet Tahoe C1500, VIN 1GNEC13027R108342, bearing Ohio Registration HBE2325, with all attachments thereon. Officers with the Ohio State Highway Patrol (“OSHP”) and the Drug Enforcement Administration (“DEA”) seized the defendant on or about December 12, 2018, following a traffic stop in Columbus, Ohio. On or about January 8, 2019, DEA transferred custody of the defendant to the United States Marshals

Service's property custodian where it will remain during the pendency of this action.

JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant under 21 U.S.C. § 881(a)(4). This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio.

5. Venue is proper in this district under 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Ohio and under 28 U.S.C. § 1395 because the defendant was found in the Southern District of Ohio.

BASIS FOR FORFEITURE

6. The defendant is subject to forfeiture under 21 U.S.C. § 881(a)(4) because it was used, or intended to be used, to transport or facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance, in violation of 21 U.S.C. § 841 or a conspiracy to commit such offense in violation of 21 U.S.C. § 846.

FACTS

7. On or about May 7, 2018, investigators with the DEA's Cleveland, Ohio District Office learned from a cooperating defendant ("CD") that he/she previously had purchased kilogram quantities of cocaine from two Mexican males and that he/she was selling the cocaine on behalf of those males, one of whom the CD later identified as Jaime Renteria ("Renteria"). The CD stated that the males used phone number 614-648-3155 to conduct the cocaine business with

him/her.

8. A consent search of the CD's cellular telephone revealed text messages between the 614-648-3155 number and the CD that were consistent with drug trafficking. One such text discussed payment for a previously purchased kilogram of cocaine.

9. On or about May 16, 2018, the CD told investigators that the Mexican males, using a new telephone number (614-323-2002), contacted him/her to request payment for cocaine that the CD previously had received. The investigators obtained an order allowing them to gather precision location information for the phone (commonly called a "ping") and determined that the user of 614-323-2002 was located in the Columbus, Ohio area. The Cleveland DEA investigators provided the phone number and a description of the vehicle used by the Mexican males to the DEA's Columbus, Ohio District Office for further investigation. The vehicle was described as a tan Chevrolet Malibu, bearing Ohio registration HKR1794 ("Malibu"), which was registered to a business in the Columbus, Ohio area.

10. The Columbus DEA investigators conducted surveillance based on the ping of 614-323-2002 and discovered the Malibu parked in the garage at 4676 Grandover Drive, Columbus, Ohio. A database search linked Jaime Renteria with this location. Upon checking the Malibu's registration, DEA Special Agent Lance Jardot learned that the vehicle previously was registered to Renteria at the Grandover Drive address.

11. While conducting surveillance of Renteria, the Columbus DEA investigators attempted to follow him as he drove around the Columbus area. Surveillance of Renteria proved to be difficult because he drove indirect routes to different locations and made U-turns on main roads. Through training and experience, the DEA investigators know that drug traffickers often drive in such a manner to determine if they are under surveillance and to thwart law enforcement

efforts to follow them with physical surveillance.

12. On or about December 12, 2018, investigators established surveillance in the area of 3931 Rosette Drive, Grove City, Ohio. The investigators learned that Renteria had moved to the Rosette Drive address.

13. At approximately 7:27 p.m. on or about December 12, 2018, while conducting surveillance in the area of Rosette Drive, the DEA investigators saw a tan Chevrolet Tahoe, bearing Ohio Registration HBE2325 (“Tahoe”), exit the residence’s garage and leave the area. A check of law enforcement databases revealed that the Tahoe was registered to Renteria at the Rosette Drive location. As the Tahoe left the area, investigators tried to follow the vehicle but were unable to maintain visual contact.

14. At approximately 8:37 p.m., OSHP Trooper Mike Rucker (“Trooper Rucker”), in a marked OSHP cruiser, located the Tahoe traveling eastbound on Morse Road in the Columbus, Ohio area.

15. As Trooper Rucker followed the Tahoe, he observed the Tahoe commit marked lane violations and initiated a traffic stop of the Tahoe as it turned left, northbound onto Karl Road from Morse Road. The Tahoe stopped for a few seconds and then continued north on Karl Road. Trooper Rucker, with lights and sirens on, continued to follow the Tahoe northbound on Karl Road. Shortly thereafter, the Tahoe turned right, eastbound on Red Robin Road, traveled about 100 yards, and then stopped.

16. Trooper Rucker directed the driver, Renteria, and the passenger, Sotelo Carvajal Carranza, to exit the Tahoe. They were taken into custody without incident. No other occupants were found in the Tahoe. While clearing the Tahoe, Trooper Rucker noted a strong odor of raw marijuana about the vehicle.

17. At this time, DEA investigators and additional OSHP officers arrived on the scene. Based on their training and experience, the officers know that when police attempt to stop drug traffickers, they often will stop their vehicles briefly and then continue traveling to create time and space for the purpose of removing evidence (i.e. narcotics and cellular telephones) from their vehicles.

18. DEA Special Agent Nicholas Eichenlaub (“SA Eichenlaub”) and OSHP Trooper Michael Wilson (“Trooper Wilson”) walked from where the Tahoe came to a final stop to where the traffic stop was initiated. While searching, SA Eichenlaub and Trooper Wilson located a clear plastic sandwich bag in a mulch bed near the corner of Karl Road and Red Robin Road. Inside the bag was a brown powder, suspected to be heroin, which was pressed into a rectangular shape. A second clear plastic bag was inside the bag and contained a white powder, suspected to be fentanyl. Nothing else was located.

19. As a result of the traffic stop, DEA located and seized a cellular telephone, approximately \$4,008.00 in United States currency, a piece of paper containing several telephone numbers, and the Tahoe (the defendant).

20. On or about December 14, 2018, DEA field tested the pressed brown powder. The field test resulted in a positive reaction for the presence of heroin.

21. Following the traffic stop, the DEA obtained and executed a federal search and seizure warrant (S.D. Ohio Case No. 2:18-mj-897) at the Rosette Drive residence. As a result of the search, agents located and seized assorted documents, approximately \$60,010.00 in United States currency, and a Beretta 9mm firearm.

22. On February 14, 2019, a federal grand jury sitting in Columbus, Ohio, returned a one-count Indictment in Criminal Case No. 2:19-cr-039, charging Renteria and passenger Sotelo

Carvajal-Carranza with conspiracy to possess with intent to distribute more than one kilogram of heroin, in violation of 21 U.S.C. § 846.

23. On May 15, 2019, Renteria entered a plea of guilty to the Indictment before Magistrate Judge Norah McCann King. During the hearing, the Statement of Facts, which was read in open court and agreed to by Renteria, established that during the brief police pursuit on December 12, 2018, Renteria threw a plastic bag containing approximately 100 grams of heroin from the vehicle.

24. On or about March 4, 2019, the DEA received a claim from Renteria asserting an interest in the defendant.

25. Based upon the foregoing facts, the United States asserts that the defendant was used, or was intended to be used, to transport, or in any manner facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance, in violation of 21 U.S.C. § 841 or a conspiracy to commit such offense in violation of 21 U.S.C. § 846, and is therefore subject to forfeiture to the United States under 21 U.S.C. § 881(a)(4).

CLAIM FOR RELIEF

WHEREFORE, the plaintiff respectfully requests that:

(a) pursuant to Rule G(3)(b)(i), Supplemental Rules, the Clerk issue a warrant of arrest *in rem*, directing the United States to arrest and seize the defendant and to retain the same in its custody subject to further order of the Court;

(b) the Court, pursuant to Rule G(4), Supplemental Rules, direct the United States to give notice to all persons and entities having an interest in the defendant to assert, in conformity with the law, a statement of any interest they may have, including notice by publication on the official government website, www.forfeiture.gov, for 30 consecutive days;

(c) the forfeiture of the defendant to the United States be confirmed, enforced, and ordered by the Court;

(d) the Court thereafter order the United States to dispose of the defendant as provided by law; and

(e) the Court award the United States all other relief to which it is entitled, including the costs of this action.

Respectfully submitted,

BENJAMIN C. GLASSMAN
United States Attorney

s/Deborah D. Grimes
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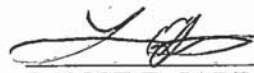
VERIFICATION

I, Lance E. Jardot, hereby verify and declare under the penalty of perjury that I am a Special Agent with the Drug Enforcement Administration, that I have read the foregoing Verified Complaint for Forfeiture *In Rem* and know the contents thereof, and that the matters contained in the complaint are true to my own knowledge, except those matters stated to be alleged on information and belief and as to those matters, I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, and my investigation of this case.

I hereby verify and declare under the penalty of perjury that the foregoing is true and correct.

05/30/2019
Date



LANCE E. JARDOT, Special Agent
Drug Enforcement Administration

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff Franklin

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Deborah D. Grimes, Assistant United States Attorney
221 E. Fourth Street, Suite 400
Cincinnati, Ohio 45202 (513) 684-3711

DEFENDANTS

One 2007 Chevrolet Tahoe C1500, VIN 1GNEC13027R108342, with All Attachments Thereon

County of Residence of First Listed Defendant Franklin

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Forfeiture pursuant to 21 U.S.C. § 881(a)(4)

Brief description of cause:

Forfeiture

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE James L. GrahamDOCKET NUMBER 2:19-cr-039

DATE

05/31/2019

SIGNATURE OF ATTORNEY OF RECORD

s/Deborah D. Grimes

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE